CHAPTER 7
OVERSEAS DISASTER RESPONSE AND RECOVERY OPERATIONS

On 4 March 1991, the advance party of the USACE Kuwait Emergency Recovery Office (KERO) entered Kuwait to begin recovery operations. The tasks ahead included restoration of the national electric power generation and distribution system, the water system, the highway network, sewerage system, two seaports, the international airport, and over 150 public schools. In the following 300 days, KERO (with a staff averaging 140 American and 60 Kuwaiti professionals) designed and placed $300 million in repair work with American and foreign construction firms and in the process helped a nation get back on its feet.

7-1. **General.** This chapter addresses those operations in which the U.S. Government (USG) provides a significant amount of assistance in foreign disaster response and recovery. Except in former trust territories of the U.S., the USG usually limits its aid to some relief materiel and technical expertise. USG disaster assistance is a multi-agency effort led by the State Department which makes a determination as to whether emergency disaster relief should be provided. The in-country Office of Foreign Disaster Assistance (OFDA) representative or country team disaster designee assists the ambassador in determining the emergency disaster relief required and making requests for USG assistance. In execution, disaster response and recovery operations are developed and executed in concert with the U.S. Ambassador and in partnership with the host nation. Disaster response and recovery operations are subject to cultural, financial and political factors which can create priorities which differ from those found in similar situations in the U.S. For many governments, managing recovery from a catastrophic disaster whether caused by a technological, natural, or military event is beyond their capability, especially if the government was also adversely impacted by the event. While this chapter addresses disaster overseas response in the context of those rare operations in which the USG provides a significant amount of assistance in nation restoration, the principles apply to less resource intensive assistance, as well.

7-2. Authorization and Funding. As a rule, DOD would respond under the legal authorities of other agencies in providing infrastructure reconstruction assistance in response to overseas disasters.

a. Section 607A of the Foreign Assistance Act of 1961 (Public Law 87-195, as amended) would be used to provide restoration of civil infrastructure. This provision of law permits any USG agency to provide commodities and services to friendly countries and non-government and private volunteer organizations (NGOs and PVOs) on an advance-of-funds, or reimbursable basis.

b. Arms Export Control Act (AECA) of 1976 (Public Law 90-629, as amended). Restoration of military facilities may be accomplished under the Foreign Military Sales (FMS) provisions of this authority.

c. DOD Directive 5100.46, "Responsibilities for Foreign Disaster Relief". Normally, DOD components may participate in foreign disaster relief operations only after a determination is made by the State. This directive allows the military commander at the scene of a disaster to undertake disaster relief operations without prior approval of the Ambassador/Chief of Mission when the emergency is so acute that immediate action is required to save life and property. Under this authority, USACE can provide emergency response in support of CINC operations.

d. Under the Army Technical Assistance Program (authorized by Title 33 USC 2314(a)), USACE can provide technical assistance to U.S. private firms bidding or executing overseas projects, including disaster response and recovery work.

e. The Economy in Government Act (Title 31 USC 1535) allows USG agencies to support each other provided that the supported agency has the funds and authority to do the work requested. It is under this authority that USACE often provides technical assistance to the U.S. Agency for International Development (USAID) and Office of Foreign Disaster Assistance (OFDA) (e.g., Ecuador mudslide and Mount Pinatubo flooding/remediation).

f. DOD receives an annual appropriation under Title 10 USC 401, Humanitarian and Civic Assistance (H/CA) to promote U.S. and host nation security interests. It is intended that the

participating U.S. military personnel will exercise their operational and readiness skills while improving the condition of the host nation. The Joint Staff administers the program and the Secretary of State must approve the application of H/CA in any given country. Conceivably, H/CA could be used in support of a recovery project. This provision of law would have limited application to USACE (e.g., prime power battalion soldiers or some technical assistance in support of Army engineer units executing an H/CA project).

7-3. Mission. Provide assistance to the national government in managing the restoration of essential civil and military infrastructure.

7-4. Imperatives. There are five basic imperatives which shape USG and DOD overseas operations in the conduct of response and recovery activities.

a. The USG is there to assist the national government. This is critical from two perspectives. The first is that the U.S. always honors national sovereignty. The second is that it facilitates the host government's ability to reestablish control and organizational structure. There is an implied caveat that USG activities should not be disruptive to the social or cultural fabric of the people. In some cultures, cost and value are more important than time.

b. Get in quickly and get out quickly. Generally, U.S. troop units will arrive first. The objective of DOD is to replace troop units as soon as possible with contractor support. In turn, USACE will use contractors for essential restoration activities until the host nation government can reestablish its own recovery capabilities.

c. Maximize the use of local assets without hyperinflating the economy. That is, do not compete with local government or business for the use of limited resources. The USG contractors should employ only those local resources which would otherwise be idle or otherwise engaged in low priority activities.

d. Do not adversely impact local initiatives. One or more local contractors may be capable of executing work. However, if the host nation or a local government has some capability for recovery, it will be easiest for that government to start first

with and maximize the use of its own contractors. The host nation government may need some assistance in the logistics associated with reestablishing local capabilities.

e. USG assistance should be used for the highest and best purposes which afford the maximum positive image and the least risk, political or otherwise, to our government and our personnel. Projects which do not fill this criteria should be recommended for construction by private contractors working directly for the host government. Close cooperation with the U.S. ambassador and his/her staff will serve to provide the political sensitivity necessary to properly screen projects."[1]

7-5. Concept of Operations. Disaster operations have two major phases,response and recovery. Response activities address the immediate or short-term effects of a disaster and includes immediate operations to save life/property and meet basic human needs. Recovery operations are those activities necessary to reestablish full governmental services and commerce. The second phase, recovery, requires an assessment of damages and restoration of basic infrastructure for the reestablishment of government and commerce. The national government will determine which needs it can meet and those for which it requires assistance. At most, the USG will conduct response operations in support of requirements which are beyond the capability of the national government. In overseas operations, the USG provides support through its military capabilities, technical assistance, and contracting for and management of contractors. The keys to effective response operations are organization, training, and, most critically, experience.

a. Timeliness and quantity of response by U.S. forces are limited by proximity to the disaster. Usually, assistance consists of critical items needed to provide temporary shelter and food. USACE may provide structural specialists trained in urban search and rescue operations or technical experts who advise government officials on appropriate follow-on actions to mitigate against further damage.

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[1]BG Ralph V. Locurcio, "Nation Assistance in Kuwait," Engineer, p 9, April 1992.

b. USACE is rarely called upon to provide anything more than technical expertise in response to OFDA or occasional CINC requests. Conceptually, USACE approaches overseas recovery operations with the same precepts and procedures as used in executing its Federal Response Plan missions within the U.S. In foreign response and recovery operations, the Corps organizes itself to facilitate communications with the host government and provide immediate field support. As operations phase from response to recovery, USACE transitions to a structure that is more familiar to Corps employees who are drawn from districts and divisions throughout the Corps. However, there are differences due to requirements for fewer in country personnel and electronic connectivity (split-basing) with the parent headquarters. USACE districts are structured to support state and local governments, and do so on a daily basis. With modification, that structure also facilitates overseas response and recovery operations.

(1) The initial deployment mission is to assess damage. Damage assessment groups (DAG) and teams (DAT) are organized to support the requirements of specific government ministries. The teams are assigned technical experts who are trained in response operations. The DAGs work with each ministry's staff on its infrastructure assessment and coordinate the priorities of the DATs. The DATs work with ministry technical personnel to produce damage survey reports (DSR). The DSR describes the extent of damages for a given facility, a statement of the scope of work, and a detailed cost estimate.

(2) As the DSRs are accepted by the host government, they become the basis for developing a scope of work for repair or reconstruction. If USACE support is requested for contracting and/or construction management, then the deployed field organization transitions to a project management organization along the lines of a conventional Corps district.

7-6. Organization. The organization's effectiveness is a function of its structure and the commander's ability to command and control that structure. The distinguishing characteristic of an overseas operation is the commander's ability to redirect the organization's activities and change its structure to meet operational needs. Flexibility and responsiveness of personnel and organization are critical in the overseas contingency

environment. The USACE(Fwd) is operations oriented. Teamwork is critical. There can be no primacy of function (i.e., engineering, contracting, etc.).

a. As with all contingency deployments, USACE plans on being self-sustaining. Even with split-basing, a minimum support structure is deployed to provide the necessary support for operations. Experience has shown that having a minimum support staff of personnel, logistics, information management, legal, audit, and safety is necessary to successfully initiate and sustain any significant contingency operation. This staff is tailored to minimize the numerous distractions for the personnel engaged in mission execution.

b. Response Organization. In the theater of operations, the structure for damage assessment is driven by requirements to coordinate with national/local government, coordinate operations, and assure accountability, accurate data collection, and reporting. The response organization is structured to function, in many respects, as a district. The following model is scoped for damage assessment and does not consider a troop support requirement.

(1) The commander will be heavily engaged with the host nation government, the U.S. Ambassador, and the senior commander engaged in response operations. If contract support is required for support to U.S. forces or extended to displaced persons, the USACE(Fwd) commander has an added dimension to his/her mission. The commander is supported by deputies to carry out his/her mission guidance and assure the coordination of USACE(Fwd) activities. Legal and public affairs are directly under the commander due to requirements to interface with counterparts on the embassy staff and military command staff. In addition, the legal counsel provides legal oversight for all the USACE(Fwd) activities.

(2) Depending on the number of ministries supported, the deputy for operations may have a large span of control. The deputy for operations is required to oversee day-to-day operations and operational coordination with ministeries. In addition to the DAGs, he/she is supported by a plans and operations cell to provide immediate command and control for the DAGs and plan for the transition to recovery operations.

RESPONSE ORGANIZATION

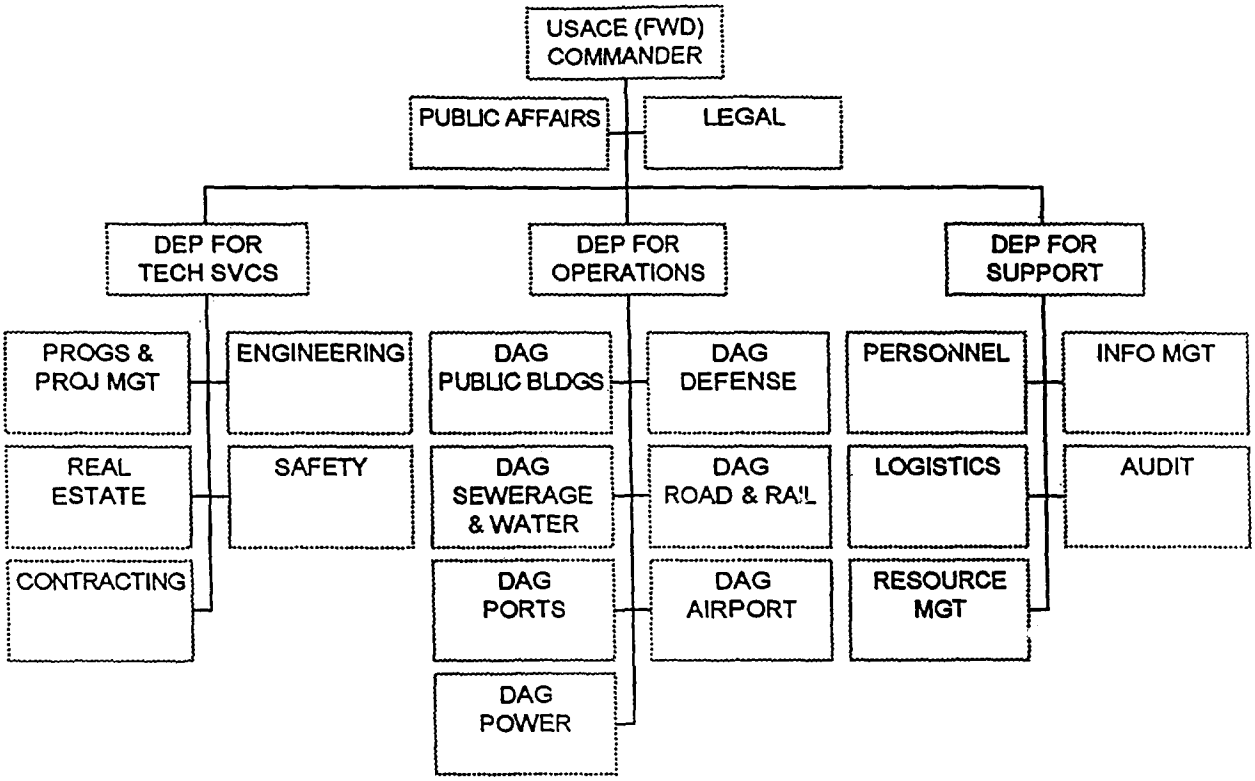

Figure 7-1

(3) The deputy for technical services provides technical engineering support for the DAGs. The project management and contracting cells are designed to support those projects which are likely to be initiated relatively early-on in the operations. Contracting is located within technical services to assure rapid and coordinated transition from assessment through contract execution. Engineering services provide not only additional and specialized support and analysis; but serve as an interface, through electronic connectivity, with the district headquarters and experts in the Corps' laboratories. Real estate supports the USACE(Fwd) requirements for operational activities and USG beddown facilities, and any other requirements for the USG in country. In response operations, the predominant real estate focus is operational. Initially, the safety function is located within technical services to provide direct input to U.S. and contractor operations.

(4) The deputy for support provides sustainment for the organization's operations and provides for the care of USACE(Fwd) personnel. This staff is an action staff, not a policy staff. Logistics support may be the largest element as it must provide for transportation, housing, meals, laundry, etc. The personnel specialist is there to handle and coordinate personnel issues with the parent headquarters on behalf of the deployed staff. Resource management addresses all funding and financial management activities for both USACE operational costs and contract funding. The audit capability must be in place to prepare for the contracting missions early-on. Most early contracting will be some form of letter or indefinite delivery contract which requires more intensive oversight than fixed price contracting. Information management establishes communications links and assures support for automated systems.

c. Recovery Organization. In the recovery phase, construction management becomes the dominant activity of the organization. The organization must begin the reshaping process soon after arrival in-country. The pressure to transition from damage assessment activities to restoration will increase daily. This organization may establish resident engineer offices to manage contractor activities in the field. Depending on the geographical dispersion, several offices may be required. This organization operates in a more stabilized environment and functions more like a traditional district emphasizing its project and financial management responsibilities.

(1) Here too, the commander will be heavily engaged with the host nation government, the U.S. ambassador, and the senior military commander engaged in response operations. If contract support is required for support to U.S. forces or extended to displaced persons, the USACE(Fwd) commander has an added dimension to his/her mission. The CINC will want to withdraw as many support troops as possible and replace those troop units with contractor capability, as soon as possible.

(2) Project execution is the focus of the recovery organization. The deputy for execution has two major components:

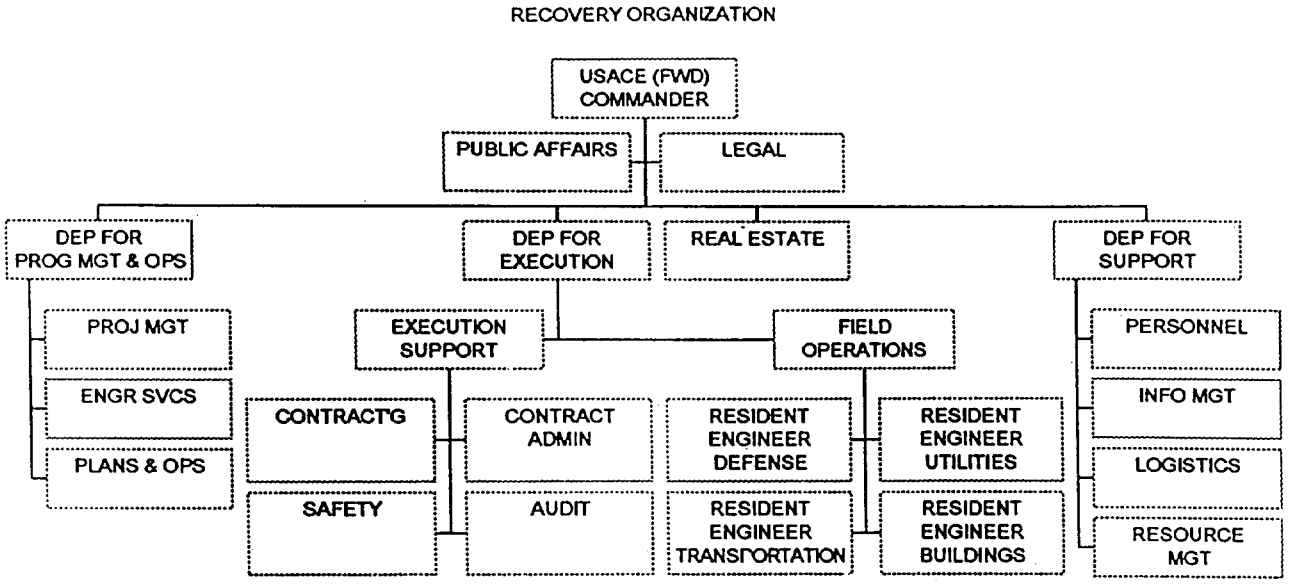

Figure 7-2

(a) The field organizations or resident engineers are situated to manage contract administration and project delivery and assure that contractor construction projects are completed to Corps' quality standards. The resident engineer offices are formed around the DAGs (but not necessarily a straight transition for the DAGs). As with the DAGs, the resident engineer offices are functionally organized to continue the close coordination with host government ministries. The resident offices provide construction management, contract administration, project modifications, and claims resolution functions. Note that while construction may be austere, the resident engineer assures that construction is both serviceable and of good workmanship.

(b) The execution support team is located at the USACE(Fwd) Headquarters to provide centralized support for the contract award and administration process.

(1) The chief of contracting provides oversight of contracting and contract management operations. The chief will liaison with other supporting and supported contracting activities to ensure coordination and control of acquisitions

within the AOR. The chief will assure that appropriate small and small disadvantaged business participation goals/targets will be addressed in the contracting process.

(2) The Federal Acquisition Regulations (FARs) must be followed even in contingencies. The audit process will be in place to support the contracting process. Given the nature of the contract forms used in these contingencies and the value of the contracts, the Defense Contracting Audit Agency will also be there.

(3) The deputy for technical services has transitioned from a technical support role to a more traditional district project management function with an operations and planning role. This consolidates reporting requirements, planning for future work, and management of any residual DSR work.

(a) The project management cell is designed to coordinate the development of projects for each mission sector and manage all the projects for that assigned sector from concept through completion. This gives each ministry a single point of contact for all information regarding their projects. Accurate and detailed reporting of priorities, issues, and progress is one of the most visible and significant outputs of this section.

(b) Engineering services provide both specialized support and analysis and serve as an interface, through electronic connectivity, with the district headquarters and experts in the Corps' laboratories. In general, engineering services cover design, cost estimating, scheduling, specifications, technical analysis, value engineering, and consultation to the field.

(c) Plans and operations. As stated previously, this section is co-located with project management to facilitate reporting and the development of organizational plans for future operations and contingencies. In addition, even after major recovery work has begun, DSR work is continuing. This section will continue to manage the DSR teams. Another important role performed by this section is the coordination with U.S. military troop unit requirements and support. This section will have TCMS and provide support for real property requirements and planning for U.S. forces in country.

(4) Real estate is shown as a separate element in this

concept. The actual requirement for real estate support may range from very limited to extensive depending on host nation abilities to execute real estate activities, US troop presence, and USACE requirements for operational and beddown facilities.

7-7. Contracting Strategy. In any contingency, time is of the essence. The initial contracting objective is to get the contractors working on the critical requirements as soon as possible. The FARs allow for expedited contracting processes, given urgent and compelling reasons. This includes the capability to modify the scope of an existing contract and the award of contracts without full and open competition.

a. Considerations in overseas contingency contracting.

(1) Conditions and requirements may be unknown. The success of a fixed price contract is predicated on knowing all of the conditions. Under most overseas contingency conditions, a fixed price contract is impractical and would be very difficult to both award and manage (due to the large number of modifications).

(2) Small and small disadvantaged business goals are also applicable to contingency contracting. While not legally required in overseas contingency operations, the USG will set goals which are within reason, given the circumstances. These goals may be met in a number of ways through subcontracts and modifications to contracts.

b. For the above reasons, cost-plus contracts are awarded to support contingencies. Letter contracts or LOGCAP (see Appendix E) may be used for support to overseas contingencies. The advantage of cost-plus contracts is the time savings and under the circumstances, they are the most equitable. Quality controls and assurances are a component of the contract execution, just as with fixed price contracting. However, cost-plus contracts require more government personnel for contract management and cost auditing. Auditors, Defense Contract Auditing Agency (DCAA), are required to assure that the USG pays only for the allowable costs.

c. Job order contracting is another tool which may be considered. This is an indefinite delivery contract, competitively bid, and based on fixed unit prices. The actual prices are determined in the field and specified in delivery orders. The delivery orders may be generated from the DSRs. The out of scope work associated with the fixed price items is then negotiated as a modification. This type of contract requires significant government preparation and requires general knowledge of scope, costs, and availability of materials, labor, etc. For these reasons, it is not used very often in contingency situation.

d. Over time, the drivers (unknown requirements/uncertain environment) for cost-plus contracting will diminish. Time will not be as critical, conditions will become known, and requirements should become easier to definitize. Thus cost-plus contracts will give way to fixed price contracts. This should also provide for increased competition and lower costs.

FOR THE COMMANDER:

13 Appendices
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